

REMARKS

I. The Section 112 Rejection

The Examiner has objected to the disclosure under 37 C.F.R. §1.63(a), on the basis that the specification presents less than a full and complete botanical description of the plant and the characteristics which distinguish the plant from related known varieties. Claim 1 stands rejected under 35 U.S.C. § 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Examiner's objection to the disclosure.

The specification has been amended, as suggested by the Examiner, to make a full and complete a disclosure of the plant and the characteristics that distinguish it from other related known varieties and antecedents. With reference to the red-lined version, the specification has been amended at page 2, lines 11-12, to indicate that the variety is a naturally occurring whole plant mutation.

The specification has also been amended at page 5, line 16, to add the petiole diameter of the instant variety. At page 6, lines 15-20, the length, diameter, color, habit, surface and strength of the peduncle have been added. At page 6, line 21, the specification has been amended to indicate that the ray florets are oblong in shape.

The Examiner has further inquired regarding the description of the instant variety as having a very low number of disc florets. 'Jenny Wren Crimson' has decorative flowers with a full capitulum of ray florets (180-195 per flower) and a very small central disc. With almost no central disc, the number of disc florets per flower is correspondingly low as would be expected. The low number is correctly reflected in the specification description.

There are no amendments to the claim or Abstract.

The above amendments to the specification and remarks have addressed the remaining Examiner's objections to the disclosure under 37 C.F.R. §1.63, first paragraph and under 35 U.S.C. § 112, first and second paragraphs. It is respectfully submitted that those objections are now overcome. As a consequence, the basis for the Examiner's rejection under 35 U.S.C. § 112, first and second paragraphs, is no longer present and it is respectfully requested that the rejection on this basis be withdrawn.

CONCLUSION

It is respectfully submitted that the Examiner's rejection under 35 U.S.C. § 112 has been overcome by the above-amendments and remarks and should be withdrawn. There are no further rejections or objections to the disclosure or the claim and the application is now believed to be in condition for allowance.

No additional fees are believed to be due, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038 referencing docket number 10451.0053.NPUS01.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

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Respectfully submitted,



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